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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JEFFERY L. LUQUE,

Plaintiff,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

Civ. No: C 05-2471 JSW

**STIPULATION AND  
REQUEST FOR DISMISSAL  
OF PLAINTIFF'S THIRD  
CAUSE OF ACTION  
WITHOUT PREJUDICE; AND  
ORDER THEREON**

1 IT IS HEREBY STIPULATED by the parties to the above-entitled action,  
2 by and through their respective counsel of record, that the Third Cause of Action  
3 asserted by Plaintiff for property damage to the vessel known as THE  
4 GARGOYLE be dismissed without prejudice pursuant to Rule 41(a)(2).  
5 Defendant, United States of America, enters this stipulation without waiving any of  
6 its rights and/or defenses, including jurisdictional ones.

7  
8 DATED: June 27, 2006

BANNING MICKLOW & BULL, LLP

9  
10 By: /s/ Kurt Micklow

KURT MICKLOW  
EUGENE A. BRODSKY

11  
12 Attorneys for Plaintiff  
JEFFREY L. LUQUE

13  
14 DATED: June 27, 2006

PETER D. KEISLER  
Assistant Attorney General  
JOHN K. VINCENT  
United States Attorney

15  
16  
17 /s/Jeanne M. Franken

JEANNE M. FRANKEN  
Trial Attorney  
U.S. Department of Justice

18  
19  
20 Attorneys for Defendant  
UNITED STATES OF AMERICA

21 **CERTIFICATE OF SIGNATURE(S)**

22  
23 I attest that the content of the document is acceptable to all persons above,  
24 who were required to sign the document. /S/ Kurt Micklow

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. Plaintiff's Third Cause of Action for property damage shall be dismissed without prejudice.

DATED: June 28, 2006

  
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THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE